

APPENDIX A TO ELLEN R. PECK DECLARATION

CURRICULUM VITAE

ELLEN R. PECK, Lawyer
2410 Crestview Estates Place
Escondido, California 92027

Telephone: 760-480-2233 Telecopier: 760-735-8204 E-mail: pecklaw@prodigy.net

JURISDICTIONS ADMITTED:

November 29, 1979	State Bar of California, Member No. 88252
November 1979	United States District Court for the Northern District of California
1987	United States District Court for the Central District of California
1988	United States District Court for the Southern District of California

EDUCATIONAL BACKGROUND:

1996		Pepperdine University School of Alternative Dispute Resolution, Mediating the Litigated Case
1979 to 1975	J.D.	University of San Francisco School of Law, San Francisco, California
1974 to 1972	M.A., History	San Francisco State University, San Francisco, California
1972 to 1970	B.A., History	University of California at Berkeley, Berkeley, California
1969 to 1970	Transfer	Skyline College, San Bruno, California.

JUDICIAL AND QUASI-JUDICIAL EXPERIENCE:

November 1, 1995 to present	Private arbitrator
July 1, 1989 to November 1, 1995	Judge, Hearing Department, State Bar Court of the State Bar of California (September 1, 1989, to December 31, 1989: Supervising Judge, Los Angeles; 1993 and 1994: Assistant Supervising Judge, Los Angeles)
1987 to 1989	Arbitrator, Los Angeles County Bar Association Dispute Resolution Services

LEGAL EXPERIENCE:

November 2, 1995 to present, and 1987 to 1989:	Principal Law Office of Ellen R. Peck, 1987 to 1989: Consultant or expert witness in approximately fifteen civil cases
1986 to 1987	Associate Haight, Dickson, Brown & Bonesteel (now Haight, Brown & Bonesteel) Santa Monica, California
1985 to 1986	Ethics Counsel and Assistant Director, Center for Professional Responsibility American Bar Association Chicago, Illinois
1982 to 1985	Director, Office of Professional Standards, State Bar of California 555 Franklin Street San Francisco, California 94102
1980 to 1982	Director, Department of Professional Responsibility and Conduct State Bar of California 555 Franklin Street San Francisco, California 94102

OTHER RELEVANT WORK EXPERIENCE:

1988 to 1990	Consultant, Committee of Bar Examiners, State Bar of California
1974 to 1980	Administrative Assistant and Paralegal: Office of General Counsel State Bar of California 555 Franklin Street San Francisco, California 94102

LEGAL EDUCATION INSTRUCTION:

Spring 2008 Summer 2002	Adjunct Professor - Professional Responsibility University of San Diego School of Law San Diego, California
September 2000 - 2003	Visiting Professor of Law, Professional Responsibility Concord University School of Law, Santa Monica, California
1980's	Faculty, 7th and 9th Annual American Bar Association Workshops on Professional Responsibility
1989 to present	Extensive lecturing for mandatory legal education programs in California, Arizona, Nevada and Texas
Summer 1997-2000	Adjunct Professor, La Verne University College of the Law, Professional Responsibility
Fall 1996	Adjunct Professor, University of Southern California Law Center, Professional Responsibility
1992 to 1994	American Inns of Courts: served on Steering Committee to assist in the founding of the West Los Angeles Inns of Court
1992 to 1993, and 1989	Adjunct Professor, Whittier College of Law, Professional Responsibility
1987 to 1988	Faculty, Model Skills Training Workshops sponsored by the State Bar of California
1987 to 1988:	Adjunct Professor, Whittier College of Law, Legal Skills and Writing
1981 to 1985:	Adjunct Professor, University of San Francisco School of Law, Professional Responsibility

PROFESSIONAL ASSOCIATION MEMBERSHIPS:

2002 to present	San Diego County Bar Association
1986 to present	Los Angeles County Bar Association
1997 to present	Attorney Discipline Defense Counsel
1998 to present	Association of Professional Responsibility Lawyers
Other memberships:	American Bar Association, San Diego County Bar Association, (1990 to 1995) California Judges Association, (1989 to 1991) National Association of Women Judges, (1982 to 1989) National Organization of Bar Counsel

PUBLIC SERVICE:

2001 to present	Member, State Bar of California Commission to Revise the Rules of Professional Conduct
March 2004 to present	Member, San Diego County Bar Association Legal Ethics Committee
October 13, 1996- October 10, 2002	Member, State Bar of California Standing Committee on Professional Responsibility and Conduct (Vice-chair, Oct. 1 1999- Sept. 16, 2000; Chair, Sept. 17, 2000 - September 6, 2001; Advisor September 6, 2001 through October 10, 2002)
October 1996 to present	Los Angeles County Bar Association LRIS Advisory Committee
July 1, 1996 to present, and 1986-1989	Member, Los Angeles County Bar Association Committee on Professional Responsibility (vice-chair, 1997 to 1998)
1986 to present	Member, Los Angeles County Bar Association Committee on the State Bar and Evaluation of Professional Standards (co-chair from 1997 to 1998)
July 1, 1998, to June 30, 1999	Chair, Los Angeles County Bar Association Committee on Professional Responsibility and Ethics
1987-1990	Member, ABA Criminal Justice Section, Committee on Ethical Considerations
1987 to 1989	Member, State Bar of California Commission to Revise the Rules

PUBLIC SERVICE (Cont.):

	of Professional Conduct (which drafted the new Rules of Professional Conduct approved by the California Supreme Court, effective May 27, 1989)
1988 to 1989	Advisor, State Bar of California Consortium on Competence
1987 to 1989	Chair, Los Angeles County Bar Association Committee on the State Bar
1988	Member, Los Angeles County Bar Association Delegation to 1988 Conference of Delegates and on Subcommittee reporting on professional standards and State Bar issues
1987 to 1988	Member, Statewide Committee on Professionalism and Public Action
1985	Chair of National Organization of Bar Counsel International Conference on Professional Responsibility, London (involving the organization and coordination of a three-day educational workshop and conference for bar counsel from the United States, Canada, Australia, England, Wales, and Scotland)

PUBLICATIONS:

Books:

Annually since July 15, 1997	Co-author of Vapnek, Tuft, Peck & Wiener (The Rutter Group) <i>California Practice Guide - Professional Responsibility</i> (2 vols.).
2002-2003	Co-author - Zitrin, Langford & Peck, <i>Legal Ethics: Rules, Statutes and Comparisons</i> (LexisNexis 2002-2003 Edition)
1996	Jay G. Foonberg, <i>The ABA Guide to Lawyer Trust Accounts</i> , with annotations by Ellen Peck (1996 American Bar Association Section on Law Office Management).
1989	Editor: Blumberg & Baughman, <i>Preventing Legal Malpractice: California Case Studies</i> (1989 Lawyers' Mutual Insurance Company of California).
1981 to 1985	Co-creator and first editor of the <i>California Compendium on Professional Responsibility</i> (published since 1983 by the State Bar of California)

PUBLICATIONS (Cont.):

Legal Periodicals:

December 2007	<i>California Bar Journal</i> : “No Threats, Please! California Joan Explores Liabilities For Threatening To Present Criminal, Disciplinary Or Administrative Charges” [MCLE article]
Fall 2007	20 <i>California Litigation</i> , No. 3 (2007) “Disqualification Dangers” [Article about Conflicts of Interest]
July 2007	<i>California Bar Journal</i> : “Credit Card Payments For Legal Fees: A new ethics opinion might require many lawyers to change how they accept payment for fees and costs” [MCLE article]
July 2007	4 Legal Ethics Quarterly: An Electronic Newsletter of the San Diego County Bar Association Legal Ethics Committee No. 2: Co-drafter of Case Notes and Author of “Commentary: Fergus V. Songer: Lessons about Fees, Fee Agreements and Proving the Value of Legal Services” [http://www.sdcba.org/ethics/leq/ethics_quarterly_vol4_no2.htm]
August 2007	<i>California Bar Journal</i> : “The Case Of The Bigg Murder - Investigating a managing partner’s killing throws lawyer/detective Peri Maison into an ethical tangle” [MCLE article]
January 2007	<i>California Bar Journal</i> , “The Forgotten Americans: Interacting with Individuals Who Have Disabilities May Call for Different Strategies to Build Trust” an MCLE article on elimination of bias.
December 2006	<i>California Bar Journal</i> , “The Forgotten Americans: Eliminating Bias Against and Providing Access to Justice for People with Disabilities” an MCLE article on elimination of bias.
Fall 2006	19 <i>California Litigation</i> , No. 3 (2006) “The Hidden Risk: Third Party Liability and the Litigation Lawyer”
October 2006	<i>California Bar Journal</i> , “Careful How You Market Yourself: California Joan Weighs in on the Ethical Perils of Unregistered Lawyer Referral Services.”
July 2006	13 <i>San Diego County Bar Association Bar Report</i> 7: Ethics in Brief - Non-Refundable Fees
June 2006	<i>California Bar Journal</i> , “Nonrefundable Fees And Toxic Fee Provisions: California Joan investigates fee provisions that can lead to lawyer liability”

PUBLICATIONS (Cont.):

May 2006	<i>California Bar Journal</i> , “Non-refundable Fee Blues” A California Joan article about new ethics opinions regarding the ethical implications of using non-refundable fees in fee agreements.
Spring 2006	<i>21 Lawyers’ Mutual Insurance Company Bulletin</i> , No. 1, “Professor Ethics and the Unconscionable Fee.”
March 2006	Vol. 3 Legal Ethics Quarterly: An Electronic Newsletter of the San Diego County Bar Association Legal Ethics Committee No. 1: Co-drafter of Case Notes.
January 2006	<i>California Bar Journal</i> , “Cyberspace, Technology & Ethics” A California Joan article about new ethics opinions regarding ethics and technology.
December 2005	<i>California Bar Journal</i> , “The Meryl Terpitute Adventures” A California Joan article about the concept of moral turpitude in the regulation of lawyers.
November 2005	<i>California Bar Journal</i> , “The Meryl Terpitute Mysteries” A California Joan article about the concept of moral turpitude in the regulation of lawyers.
September 2005	<i>California Bar Journal</i> , “Lawyers And Substance Abuse: Familiarity with the Symptoms of Alcoholism Can Enhance Your Risk Management Procedures” A California Joan Article.
July 2005	<i>California Bar Journal</i> , “Lawyers’ Dangerous Liaisons --two Recent Decisions Have Changed the Landscape of Disqualification Motions in Successive Representation Cases.” A California Joan article.
June 2005	<i>California Bar Journal</i> , “The Trouble with Experts --Communications with Experts Who Are Not Retained May Be Protected by Work Product Doctrine or Disqualification” Part of the California Joan series.
April 2005	Vol. 2 Legal Ethics Quarterly: An Electronic Newsletter of the San Diego County Bar Association Legal Ethics Committee No. 1: Co-drafter of Case Notes and Author of “Commentary: Beware of Accepting New Engagements Adverse to Former Clients”
March 2005	<i>12 San Diego County Bar Association Bar Report</i> No. 3: Ethics in Brief - Are Your Fees Unconscionable?

PUBLICATIONS (Cont.):

January 2005 and December 2004	<i>California Bar Journal</i> , “Duties To Non-Clients: Parts I and II - California Joan takes a look at third party liability.” A two part MCLE Ethics Article in the “California Joan” series regarding client trust account compliance procedures.
July and August 2004	<i>California Bar Journal</i> , “The Buck Stops With You: California Joan explains how to stay out of trouble by keeping a close watch on your client trust account” A two part MCLE Ethics Article in the “California Joan” series regarding client trust account compliance procedures.
July /August 2004	<i>San Diego Lawyer</i> , p. 48: “The Case of the Mistakenly Sent Notes: It’s a dueling dilemma in ethics for Counselor A. Burr” co-authored with Patrick L. Hosey and Wendy L. Patrick. SDCBA Legal Ethics Committee article on the ethical obligations of counsel when confidential or privileged information is inadvertently transmitted to opposing counsel.]
January and February 2004	<i>California Bar Journal</i> , “Who Are You Gonna Call? California Joan returns to provide advice on the conflicts that arise when a corporation is the opposing party” A two part MCLE Ethics Article in the “California Joan” series regarding compliance with CRPC 2-100.
July 2003	<i>California Bar Journal</i> , “Ex-clients' Files Present A Quandary California Joan looks at how to maintain old files and documents belonging to former clients” A one part MCLE Ethics Article in the “California Joan” series regarding compliance with CRPC 3-700 and other standards regarding the maintenance of files.
January 2003 December 2002	<i>California Bar Journal</i> , “Splitting Atoms is Easier Than Splitting Fees.” and "California Joan Looks At How to Provide Limited Legal Services as a Lawyer Scrivener” A two part MCLE Ethics Article in the “California Joan” series regarding attorneys sharing fees.
Summer 2002	<i>The Practitioner (A Member Service for the Solo and Small Firm Section of the State Bar of California)</i> "Everyday Ethics by Ellen R. Peck: Retention of Former Clients' Files"
January 2002& December 2001	<i>California Bar Journal</i> , “Unbundling: A Hot-button Ethical Issue. California Joan Looks A How to Provide Limited Legal Services as a Lawyer Scrivener” A two part MCLE Ethics Article regarding providing limited legal services as a lawyer scrivener.
June 2001	24 <i>Los Angeles Lawyer</i> No. 4 “2000 Ethics Roundup” p. 28.

PUBLICATIONS (Cont.):

Spring 2001	<i>LMIC Bulletin Checklist: Adams v. Aerojet</i> : NO AUTOMATIC DISQUALIFICATION FOR DOUBLE IMPUTATION OF CONFIDENTIAL INFORMATION
January 2001 December 2000	<i>California Bar Journal</i> , “California Joan and the Road to El Dorado”: MCLE two-part article regarding taking corporate client stock in lieu of or for payment of legal fees.
September 2000	Corporate Counsel publication of California Lawyer: ethics article regarding ethics issues for departing house counsel.
May 2000	23 <i>Los Angeles Lawyer</i> No. 3 “1999 Ethics Roundup” pp. 33-39, 60-61 [Self-study MCLE article about “Court decisions in 1999 make it clear that a risk management strategy is a lawyer’s best method of preventing ethical liabilities.”]
March 2000	20 <i>California Lawyer</i> No. 3 “Career Transitions” pp. 65-67 [Self-study MCLE article about further ethical issues regarding lawyers’ lateral employment moves.]
December 1999 and January 2000	<i>California Bar Journal</i> MCLE: two-part article on avoiding conflicts of interest.
October 1999	19 <i>California Lawyer</i> No. 10 “When Lawyers Leave” pp. 62-69 [Self-study MCLE article about ethical issues regarding lawyers’ lateral employment moves.]
Fall 1999	22 <i>Family Advocate</i> [ABA Section on Family Law] No. 2, “On the Ethical Edge: A Practical Guide to Fair Fees and Collections” [Ethical issues re fees in family law cases.]
October 1999	22 <i>Los Angeles Lawyer</i> No. 7, “The President’s Page: When You Stand At An Ethical Crossroad” pp. 13-15.
June 1999 and May 1999	<i>California Bar Journal</i> MCLE: two-part article on ethical issues regarding the law practice of a disabled sole practitioner
February 1999	<i>Legal Secretaries Inc.</i> Magazine, article on clients’ trust accounts
December 1998 and January 1999	<i>California Bar Journal</i> MCLE: two-part article on conflicts of interest
Fall 1998	<i>LMIC Bulletin</i> : conflicts-of-interest article
August 1998	<i>California Bar Journal</i> MCLE Article regarding attorney fees

PUBLICATIONS (Cont.):

	agreement provisions (co-authored with Steven Lewis)
June 1998	<i>Los Angeles Lawyer</i> MCLE article: 1997 Ethics Retrospective (co-authored with Robert Kehr)
Spring 1998	<i>LMIC Bulletin</i> : Estate Planning for a Law Practice.
Winter 1998	Co-author with Jeffrey G. Kichaven, "Enforcing Arbitration of Lawyer-Client Disputes: Some Questions and Even a Few Answers" 11 <i>California Litigation</i> [The Journal of the Litigation Section, State Bar of California], No. 2, at 14-19.
December 1997 and November 1997	<i>California Bar Journal</i> MCLE: two-part article regarding business and other financial entanglements with clients.
September 1997	Co-author with Ellen Pansky, "Lawyerlaw 1997: A Review of the Key 1996 Cases, Legislation and Ethics Opinions Affecting the Law of Lawyering," <i>Los Angeles Lawyer</i> .
July 15, 1997	Co-author of The Rutter Group Practice Guide on Professional Responsibility (2 vols.).
June 1997	"A.D.R. and Client Disputes: Some Ethical Bars to Enforceability," <i>California Bar Journal</i> .
February 1997	"ADR Clauses in Fee and Retainer Agreements — Elements of Enforceability," <i>ADR Currents</i> (Winter 1996-1997), American Arbitration Association, at 18-23 (co-authored with Richard Chernick).
January 1997	"Risk Management: Civil Liability for Failure to Deposit Advances for Fees Into Clients' Trust Account," <i>Family Law News & Review</i> (a publication of the Los Angeles County Bar Association Family Law Section), Winter 1996-97.
December 1996	<i>California Bar Journal</i> , "Attorney Discipline --- 2 Civil court rulings affect advance fees"
September 1996	"Ethics in Family Law: Talking About Fees and Billings," <i>Family Law News & Review</i> (a publication of the Los Angeles County Bar Association Family Law Section), Fall 1996.
June 1996	Ellen R. Peck and Jane Waterman, "Stress Management for Lawyers," <i>California Bar Journal</i> , at 24-27.

PUBLICATIONS (Cont.):

May 1996	“Pitfalls and Strategies for the Lawyer-for-the-Deal,” 19 <i>Los Angeles Lawyer</i> 15 (May 1996).
May 1996	“Ethics in Family Law: Securing a Security Interest for Fees: Compliance with Rule 3-300,” <i>Family Law News & Review</i> (a publication of the Los Angeles County Bar Association Family Law Section), Spring 1996.
1996 to 1994	“Reporting Chart: Some Reporting Requirements Required by the State Bar Act,” published annually in Karpman & Margolis, <i>California Lawyer’s Guide to Professional Responsibility</i> , Shepherd’s/McGraw Hill, at 1 (published annually).
February 1996	“Ethics in Family Law: Risky Business,” <i>Family Law News & Review</i> (a publication of the Los Angeles County Bar Association Family Law Section).
January 1996	“Don’t Be Another Bar Statistic: Before the Thrill of Settlement, and Maybe Your Practice Itself, is Shattered, Review Accounting Responsibilities; Part 2,” <i>California Bar Journal</i> , Jan. 1996, at 24-27.
December 1995	“This Hybrid Needs Money,” <i>California Bar Journal</i> , Dec. 1995, at 8.
December 1995	“Biting the Hand that Feeds Them: Plaintiff’s Personal Injury Attorneys Must Avoid the Ethical Mine Field in Distributing Settlements; Part 1,” <i>California Bar Journal</i> , Dec. 1995, at 26-28.
1989 to present	Independently authored various educational materials published in connection with most of the continuing legal education programs in which I have lectured.
January 1986	<i>Compleat Lawyer</i> (ABA General Practice Section), “Competence Checklist”
1985 to 1986	ABA Managing Editor and contributor to the <i>ABA/BNA Manual on Professional Conduct</i>
1980	“Ain’t Misbehaving,” 1 <i>California Lawyer</i> 590